

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Anthony H. Horan, M.D.

Case No. 800-2017-033645

**Physician's and Surgeon's
Certificate No. G 85664**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on October 11, 2019.

IT IS SO ORDERED October 4, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MICHAEL C. BRUMMEL
Deputy Attorney General
4 State Bar No. 236116
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 705-2307
Facsimile: (559) 445-5106
7 E-mail: Michael.Brummel@doj.ca.gov

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **ANTHONY H. HORAN, M.D.**
16 **3781 West Spruce**
17 **Fresno, CA 93711**

18 **Physician's and Surgeon's Certificate No. G**
19 **85664**

20 Respondent.

Case No. 800-2017-033645

OAH No. 2019090031

21 **STIPULATED SURRENDER OF**
22 **LICENSE AND ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28 this matter by Xavier Becerra, Attorney General of the State of California, by Michael C.
Brummel, Deputy Attorney General.

2. Anthony H. Horan, M.D. (Respondent) is representing himself in this proceeding and
has chosen not to exercise his right to be represented by counsel.

1 3. On or about March 31, 2000, the Board issued Physician's and Surgeon's Certificate
2 No. G 85664 to Anthony H. Horan, M.D. (Respondent). The Physician's and Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 800-2017-033645 and will expire on January 31, 2020, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2017-033645 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 19, 2019. Respondent timely filed his Notice of
9 Defense contesting the Accusation. A copy of Accusation No. 800-2017-033645 is attached as
10 Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 800-2017-033645. Respondent also has carefully read, and understands the
14 effects of this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent understands that the charges and allegations in Accusation No. 800-2017-
26 033645, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
27 Surgeon's Certificate.

28 \\

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges. Respondent agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G 85664, all of the charges and allegations contained in Accusation No. 800-2017-033645 shall be deemed true, correct and fully admitted by respondent for purposes of that reinstatement proceeding or any other licensing proceeding involving respondent in the State of California.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

11

11

//

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 85664, issued to Respondent Anthony H. Horan, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-033645 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2017-033645 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

//

//

//

//

1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
4 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
5 agree to be bound by the Decision and Order of the Medical Board of California.

6
7 DATED: 9/19/2019 
8 ANTHONY H. HORAN, M.D.
9 Respondent

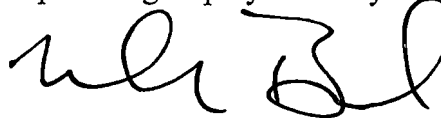
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Medical Board of California of the Department of Consumer Affairs.

13 DATED: 9/19/2019

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 STEVE DIEHL
17 Supervising Deputy Attorney General

18 
19 MICHAEL C. BRUMMEL
20 Deputy Attorney General
21 Attorneys for Complainant

22 FR2019102776
23 Stipulated Surrender of License and Order.docx
24
25
26
27
28

Exhibit A

Accusation No. 800-2017-033645

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MICHAEL C. BRUMMEL
Deputy Attorney General
4 State Bar No. 236116
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 705-2307
Facsimile: (559) 445-5106
7 E-mail: Michael.Brummel@doj.ca.gov

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

15 **Anthony H. Horan, M.D.**
16 **3781 W. Spruce Ave.**
Fresno, CA 93711-0641

17 **Physician's and Surgeon's Certificate**
18 **No. G 85664,**

19 Respondent.

Case No. 800-2017-033645

20 **ACCUSATION**

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs (Board).

25 2. On or about March 31, 2000, the Medical Board issued Physician's and Surgeon's
26 Certificate No. G 85664 to Anthony H. Horan, M.D. (Respondent). On or about July 29, 2019, an
27 Interim Suspension order was issued, immediately suspending Respondent's Physician's and
28 Surgeon's certificate, pursuant to Government Code section 11529. The Physician's and

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 19 20 19
BY R. Voong ANALYST

1 Surgeon's Certificate is currently suspended, and will expire on January 31, 2020, unless
2 renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board, under the authority of the following
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 4. Section 2227 of the Code states:

8 (a) A licensee whose matter has been heard by an administrative law judge of
9 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
10 Code, or whose default has been entered, and who is found guilty, or who has entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

11 (1) Have his or her license revoked upon order of the board.

12 (2) Have his or her right to practice suspended for a period not to exceed one
13 year upon order of the board.

14 (3) Be placed on probation and be required to pay the costs of probation
monitoring upon order of the board.

15 (4) Be publicly reprimanded by the board. The public reprimand may include a
16 requirement that the licensee complete relevant educational courses approved by the
board.

17 (5) Have any other action taken in relation to discipline as part of an order of
18 probation, as the board or an administrative law judge may deem proper.

19 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
20 medical review or advisory conferences, professional competency examinations,
21 continuing education activities, and cost reimbursement associated therewith that are
agreed to with the board and successfully completed by the licensee, or other matters
made confidential or privileged by existing law, is deemed public, and shall be made
available to the public by the board pursuant to Section 803.1.

22 STATUTORY PROVISIONS

23 5. Section 820 of the Code states:

24 Whenever it appears that any person holding a license, certificate or permit
25 under this division or under any initiative act referred to in this division may be
unable to practice his or her profession safely because the licentiate's ability to
26 practice is impaired due to mental illness, or physical illness affecting competency,
the licensing agency may order the licentiate to be examined by one or more
27 physicians and surgeons or psychologists designated by the agency. The report of the
examiners shall be made available to the licentiate and may be received as direct
evidence in proceedings conducted pursuant to Section 822.

6. Section 822 of the Code states:

If a licensing agency determines that its licensee's ability to practice his or her profession safely is impaired because the licensee is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licensee's certificate or license.
- (b) Suspending the licensee's right to practice.
- (c) Placing the licensee on probation.
- (d) Taking such other action in relation to the licensee as the licensing agency discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

CAUSE FOR ACTION

(Impairment)

7. Respondent's Physician's and Surgeon's License No. G 85664 is subject to action under section 822, in that he suffers from mental illness or physical illness affecting competency. The circumstances are as follows:

8. On or about August 23, 2017, Respondent signed a voluntary agreement for a mental and physical examination at the request of the Board.

9. On or about June 18, 2018, the Board received an expert report related to Respondent's voluntary physical examination. The expert diagnosed Respondent with prostate cancer; urinary retention with suprapubic bladder and history of urinary incontinence; mild cognitive impairment affecting his recent memory; impaired visual acuity; and Dupuytren's contractures of the hands. The expert concluded that Respondent suffered from several separate conditions that may impact his ability to practice medicine safely, including impaired visual acuity, recent memory impairment indicative of mild cognitive impairment, significant urinary bladder retention, and Dupuytren's contractures. The expert recommended that Respondent be further evaluated by an ophthalmologist to determine the extent of his visual impairment, and a neurologist to determine the extent of his memory deficits.

1 10. On or about July 25, 2018, Respondent was evaluated by an expert in ophthalmology.
2 The expert diagnosed Respondent with cataracts, refractive error, presbyopia, and
3 dermatochalasis. The expert concluded that Respondent did not suffer from any ophthalmic
4 conditions that would impact his ability to safely engage in the practice of medicine.

5 11. On or about December 10, 2018, Respondent was evaluated by an expert specializing
6 in neurology. The expert found that Respondent presented with minimum cognitive impairment
7 on a screening examination, which is the stage between dementia and normal functioning. In
8 light of the test results, the expert recommended objective neuropsychological testing for
9 minimum cognitive impairment / dementia, to include brain imaging and blood tests.

10 12. On or about March 5, 2019, Respondent submitted to a neuropsychological
11 evaluation by a Board-appointed clinical neuropsychologist. The neuropsychologist noted a
12 pattern of deficits including "variable attention and sustained concentration, moderately impaired
13 strength in the left upper extremity, below average coordination in the upper extremities
14 bilaterally, slowed visual-motor speed, limited phonemic and semantic verbal spontaneity,
15 significantly slowed nonverbal information processing speed, limited analysis and synthesis of
16 abstract visual information, and impaired executive functioning." Executive functioning deficits
17 identified include, "slowed response inhibition, difficulty with set-shifting flexibility, impaired
18 nonverbal abstract reasoning, cognitive inflexibility, limited verbal spontaneity and
19 perseveration." The neuropsychologist explained that the pattern of deficits is "indicative of a
20 bilateral frontal nidus."

21 13. The neuropsychologist concluded that the "deficits,[are] consistent with
22 frontotemporal dementia." Common results of frontotemporal dementia include "an early decline
23 in social/interpersonal functioning, impairment in personal conduct regulation, emotional
24 blunting, and diminished insight. Other behaviors can include declines in hygiene, mental
25 rigidity, perseveration, and diminished language output. Physical signs can include release of
26 primitive reflexes, incontinence, rigidity, and executive dysfunction." The neuropsychologist
27 recommended a 3.0-Tesla Magnetic Resonance Imaging (MRI) scan to determine the source of
28 Respondent's apparent brain pathology.

1 14. Respondent's pattern of deficits would directly impair his ability to practice
2 medicine safely. Respondent's continued practice of medicine will endanger the public health,
3 safety, and welfare.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Medical Board of California issue a decision:

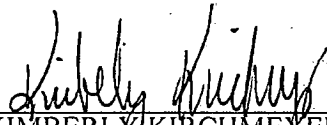
7 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 85664,
8 issued to Anthony H. Horan, M.D.;

9 2. Revoking, suspending or denying approval of Anthony H. Horan, M.D.'s authority to
10 supervise physician assistants and advanced practice nurses;

11 3. Ordering Anthony H. Horan, M.D., if placed on probation, to pay the Board the costs
12 of probation monitoring; and

13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: August 19, 2019
16


17 KIMBERLY KIRCHMEYER
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant

23
24
25
26
27
28
FR2019102776
95319743.docx